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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,932	07/21/2003	Vishal Lal	JUL-007	6469

7590 03/28/2005
William L. Botjer
PO Box 478
Center Moriches, NY 11934

EXAMINER

GURSHMAN, GRIGORY

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,932

Applicant(s)

LAL ET AL.

Examiner

Grigory Gurshman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Konito (US 2004/02497768 A1 claims priority of the 7/03/2002 filing) in view of Hori (US 2003/0105835 A1).

3. Referring to the instant claims Konito discloses a digital rights management in a mobile communications environment (see abstract and Fig. 1). Konito teaches integration of digital rights management into a mobile computing environment, which provides a light-weight and efficient digital rights management architecture that can promote the growth of electronic commerce in the mobile computing environment (see abstract).

4. Referring to the independent claims 1, 15, 20 and 22, the limitation "the mobile service provider associating Digital Rights managements policies with the digital content" is met by retail content service (110 in Fig.2), which associates rights voucher 300 (Fig. 3A) with content. The limitation "downloading the digital content onto the mobile device" is met by Fig. 1 (blocks 110, 130, 135, 140). Konito shows in Fig.1 downloading a content package (135) to the mobile device (140). Content package includes a content object and the voucher object associated with the digital rights.

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Konito, however, does not explicitly teach downloading a license onto the mobile device.

5. Referring to the instant claims, Hori discloses data distribution server, terminal, and data distribution system (see abstract and Fig.1). Hori teaches that delivery server includes the download server and transmits information (download information) for downloading content data and the content data to the communication terminal such as a mobile telephone (see lines 0006). Hori also teaches that the data delivery server includes the download server, and content data and the license information necessary for reproducing the content data is transmitted from the download server to the communication terminal such as a mobile telephone (see lines 0013).

6. Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the mobile service provider associating Digital Rights managements policies with the digital content of Konito by downloading the license onto mobile device from the service provider as taught in Hori. One of ordinary skill in the art would have been motivated to modify the mobile service provider associating Digital Rights managements policies with the digital content by downloading the license onto mobile device from the service provider as taught in Hori for reproducing the encrypted content data transmitted from the download server to the communication terminal such as a mobile telephone (see lines 0013 and Fig. 10).

7. Referring to claims 2 and 16 the limitation "digital content to be downloaded is provided by a content provider" is met by retail content server (110 in Fig. 1 of Konito downloading the content to the receiving terminal (140).

8. Referring to claim 3, both Konito and Hori teach that the digital content to be downloaded is hosted by the mobile service provider (see Fig.1, 2 of Konito).

9. Referring to claims 4, 5 and 24, Konito teaches the use of a content package (135 in Fig. 1), which consists of the content object and the voucher associated with digital rights. Konito and Hori teach simultaneous downloading of the content and the license. Content package meets the limitation "content wrapped with the license".

10. Referring to claims 7, 19 and 25, Konito teaches that the content is registered with the mobile service provider by means of granting Digital Rights implemented through the vouchers.

11. Referring to claim 8, the limitation "generating a container for the digital content for content protection" is met by the content package (135 in Fig.1 of Konito).

12. Referring to claim 9, the limitation "creating a content descriptor describing the digital content" is met by content ID (see Fig. 8, s43 of Hori).

13. Referring to claims 13, 18 and 21, Hori teaches charging for downloading of the content (see Fig. 7).

14. Referring to claim 15, it is well known in the art to use Java enabled mobile devices for using the digital content provided by the service provider. For example NOKIA uses Java enabled cellular phones for sending images. One of ordinary skill in the art would have been able to use Java enabled cellular phones for being able to receive an effectively read digital content.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Grigory Gurshman whose telephone number is (571)272-3803. The examiner can normally be reached on 9 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571)272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GG



1/17/2005

Grigory Gurshman
Examiner
Art Unit 2132



GILBERTO BARRÓN JR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100